

**US Army Corps
of Engineers**
Louisville District ®

Joint Public Notice

Public Notice No.
LRL-2017-632-mdh

Date:
22 Feb 2018

Closing Date:
26 Mar 2018

Please address all comments and inquiries to:
U.S. Army Corps of Engineers, Louisville
District ATTN: CELRL-RDN, Rm 752
P.O. Box 59
Louisville, Kentucky 40201-0059

Phone: 502-315-6676

This notice announces an application submitted for a Department of the Army (DA) Permit, subject to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (CWA).

APPLICANT: Tanners Creek Development, LLC
1650 Des Peres Road, Suite 303
St. Louis, Missouri 63131

AGENT: Otte Enterprises
505 Stevenson Road
Erlanger, Kentucky 41018

LOCATION: Ohio River, right bank at Mile 494, 494.1 & 495, in Lawrenceburg,
Dearborn County, Indiana.

Latitude: 39°-04'-25" (N)
Longitude: 84°-52'-22" (W)
7.5 Minute Quad: Lawrenceburg, Indiana

PURPOSE: Construct barge loading/unloading facilities on the Ohio River.

DESCRIPTION OF WORK: In association with the demolition and re-development of the former Tanner's Creek Generating Station (approximately 700+/- acres), the applicant proposes the following new facilities along the Ohio riverfront of the former power plant in Lawrenceburg, Dearborn County, Indiana:

Mile 494-494.1 (RB): The applicant proposes to temporarily moor a 50' x 110' deck barge, with a clam shell loader mounted within, along with a 35' x 195' scrap barge, to existing mooring cells at the former plant. In addition, two (2) 18" diameter steel spud spar poles would be attached to the deck barge to further re-enforce mooring. The applicant also proposes to demolish two (2) existing screen houses to an elevation of 478', cap them, construct access ramps to each (via the placement of approximately 1,352 cubic yards of stone riprap within the Ohio River) then re-purpose the screen houses as converted barge loading/unloading platforms. Further, existing access platforms to the two (2) screen houses would be removed. Once these actions have been completed, the aforementioned 50' x 110' deck barge, with a clam shell loader mounted within, and the 35' x 195' scrap barge, would be moved to either of the three (3) locations, as needed, to be unloaded/loaded with demolished material from the former plant or with imported soil and rock materials. In addition, an elevated conveyor system would be installed above the OHW, which would be used to facilitate unloading of the barges at Mile 494.1. The maximum number of barges to be moored at these locations at any one time would be four (4). These new features are proposed to facilitate the loading and unloading of materials (scrap-metal, clean soils and rock) generated from the demolition of the former plant as needed to restore the parcel for redevelopment. These materials

would then be taken and disposed of at undisclosed off-site upland location(s). These activities are proposed below the Ordinary High Water Mark (OHW) of 461.80, Ohio River Datum (ORD), see attached *Figures 1-5*.

Mile 495 (RB): At this location, the applicant proposes to temporarily moor one (1) 50' x 110' deck barge, with a clam shell loader mounted within, approximately 50' from the riverbank. The maximum riverward projection of the facility, including the barge, would be 100'. The barge would be mounted to two (2) 18" diameter steel spud spar poles to secure mooring. These activities are proposed within the OHW of 461.50 (ORD) at this location. In addition, an elevated conveyor system would be installed above the OHW, which would be used to unload former power plant residuals such as coal fly ash, bottom ash, and wet scrubber byproducts (off-specification synthetic gypsum), from the hopper barge, which would be transported to the facility from various electric-generating power plants along the Ohio River. These materials would then be used to finish filling the former settling pond, which has subsequently been converted to an IDEM permitted restricted waste landfill. An estimated 12-15 barges per-week would be off-loaded at this facility. The maximum number of barges to be moored at this location at any one time would be one (1). Once filled, the former settling pond would be capped and closed (see attached *Figures 6-10*).

The proposed hours of operation for these facilities would be approximately 6:00 am to 6:00 pm (i.e., twelve (12) hours per day), four (4) days a week, mostly weekday with an occasional weekend day as needed to facility a barge delivery. Upon completion of these proposed activities at 494, 494.1 and 495, the facilities would be closed and the barges, spud spar poles and conveyors would be removed.

AVOIDANCE AND MINIMIZATION MEASURES: The applicant proposes to use existing mooring features and has designed the project to minimize fill activities within the OHW of the Ohio River. No new mooring cells are proposed at these locations.

REVIEW PROCEDURES: A DA Permit cannot be issued if any legally required Federal, State, or local authorization or certification is denied.

A DA Permit, if otherwise warranted, will not be issued on this project until a State of Indiana Section 401 Water Quality Certification (WQC) from the Indiana Department of Environmental Management (IDEM) is on file in this office or it is considered waived. This Public Notice may constitute the application for the 401 certification. IDEM will review this proposal for compliance with the applicable provisions of Section 301, 302, 303, 306 and 307 of the CWA, including the state water quality standards currently set forth at 327 IAC 2. They will consider comments regarding this proposal postmarked by the closing date of this notice. Comments to IDEM should be addressed to: IDEM, Office of Water Quality, Section 401 WQC Program, 100 N. Senate Avenue Room N1255, Indianapolis, Indiana 46204. The applicant is responsible for obtaining the certification from IDEM.

Copies of this notice are sent to the appropriate Federal and State Fish and Wildlife Agencies. Their views and comments are solicited in accordance with the Fish and Wildlife Coordination Act of 1956. Based on available information, the proposed activity will not destroy or endanger any Federally-listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act, and therefore, initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. A request for a public hearing must state the specific interest which might be damaged by issuance of the DA Permit.

The National Register of Historic Places has been examined and it has been determined that there are no properties currently listed on the Register which would be directly affected by the proposed work. If we are made aware, as a result of comments received in response to this notice, or by other means, of specific archaeological, scientific, pre-historical, or historical sites or structures which might be affected by the proposed work, the District Engineer will immediately take the appropriate action necessary pursuant to the National Historic Preservation Act of 1966 - Public Law 89-665 as amended (including Public Law 96-515).

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered; among those are conservation, economics, aesthetic values, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use, navigation, recreation, water supply, water quality, energy needs, safety, food production, and in general, the needs and welfare of the public.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. It is presumed that all interested parties and agencies will wish to respond; therefore, a lack of response will be interpreted as meaning that there is no objection to the proposed project. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Written statements received in this office on or before the closing date will become a part of the official record and will be considered in the determination on this permit request. Any objections which are received during this period will be forwarded to the applicant for possible resolution before the determination is made whether to issue or deny the requested DA Permit. A permit will be granted unless its issuance is found to be contrary to the public interest.

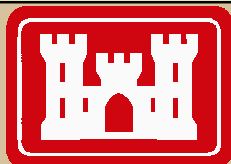
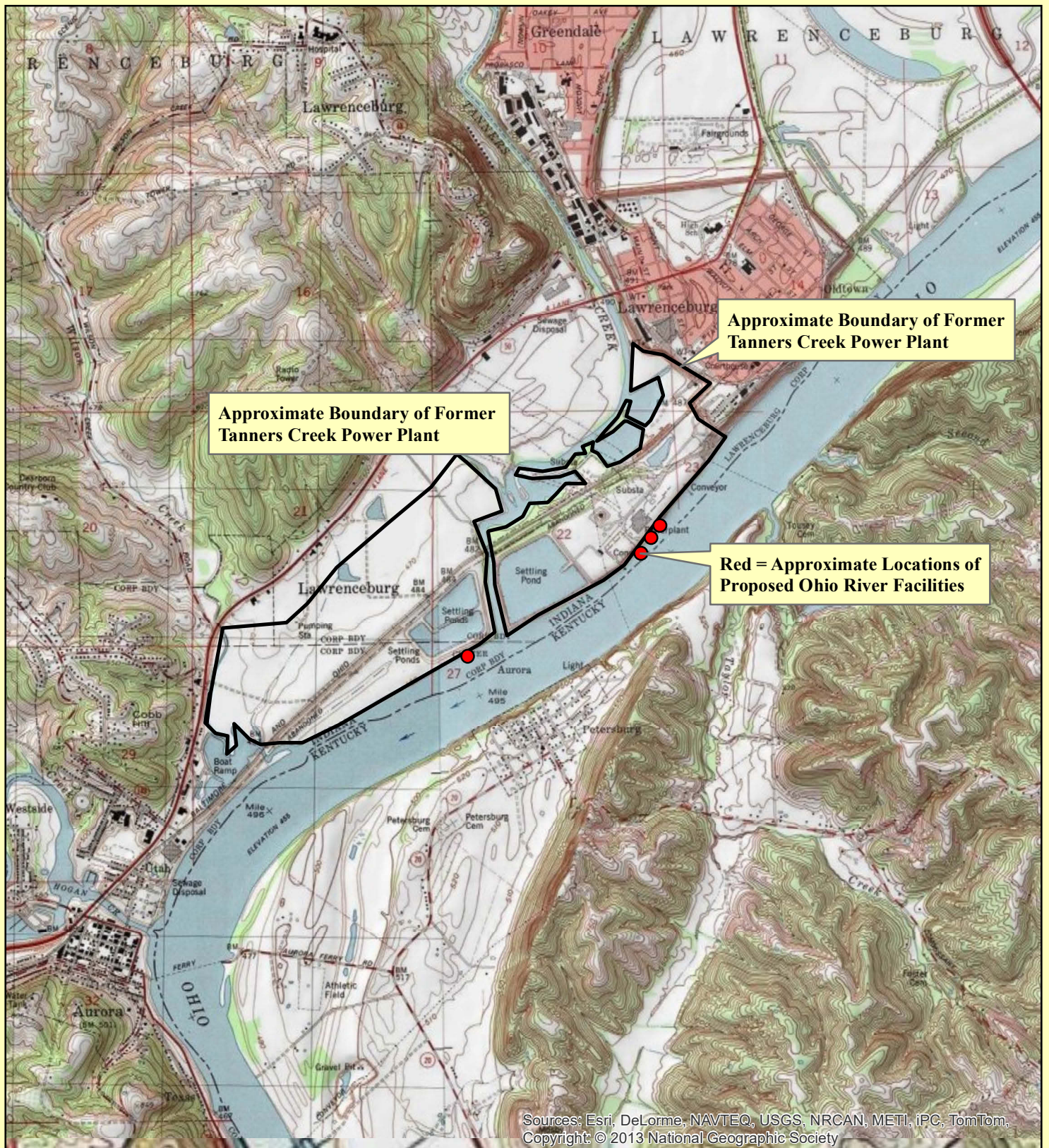
Information pertaining to this application is available for public examination during normal business hours upon prior request. Drawings are available on Louisville District's Internet site at <http://www.lrl.usace.army.mil/Missions/Regulatory.aspx>. All comments regarding this proposal should be addressed to Mr. Michael Hasty, CELRL-RDN at the address noted above and should refer to the Public Notice Number LRL-2017-632-mdh.

If you desire to submit your comments by email, you must comply with the following:

- a) In the subject line of your email, type in **ONLY** the Public Notice ID No. LRL-2017-632-mdh

Example: (Subject: LRL-2017-632-mdh)

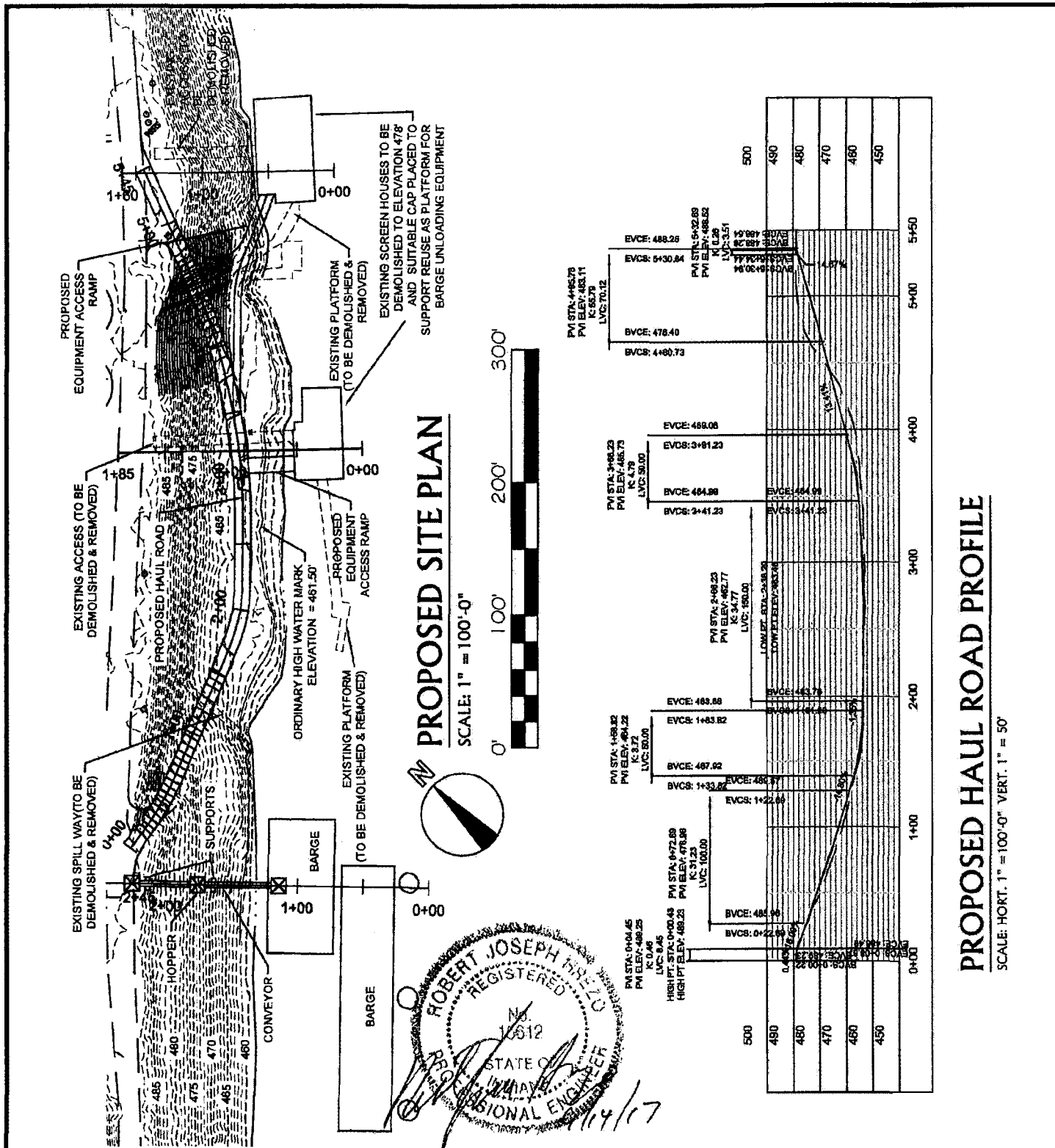
- b) Provide your physical mailing address and telephone number.
- c) Send your email to: lrl.regulatorypubliccomment@usace.army.mil
- d) If you are sending attachments greater than 1 Mb in size with your email, you must send a hard copy (CD or paper) to the Corps' physical address as well.



**US Army Corps
of Engineers**

Figure 1 - LRL-2017-632-mdh
Proposed Loading/Unloading Facilities at the Former
Tanners Creek Power Plant. Ohio River Mile(s) 495 & 494 (RB),
Lawrenceburg, Dearborn County, Indiana



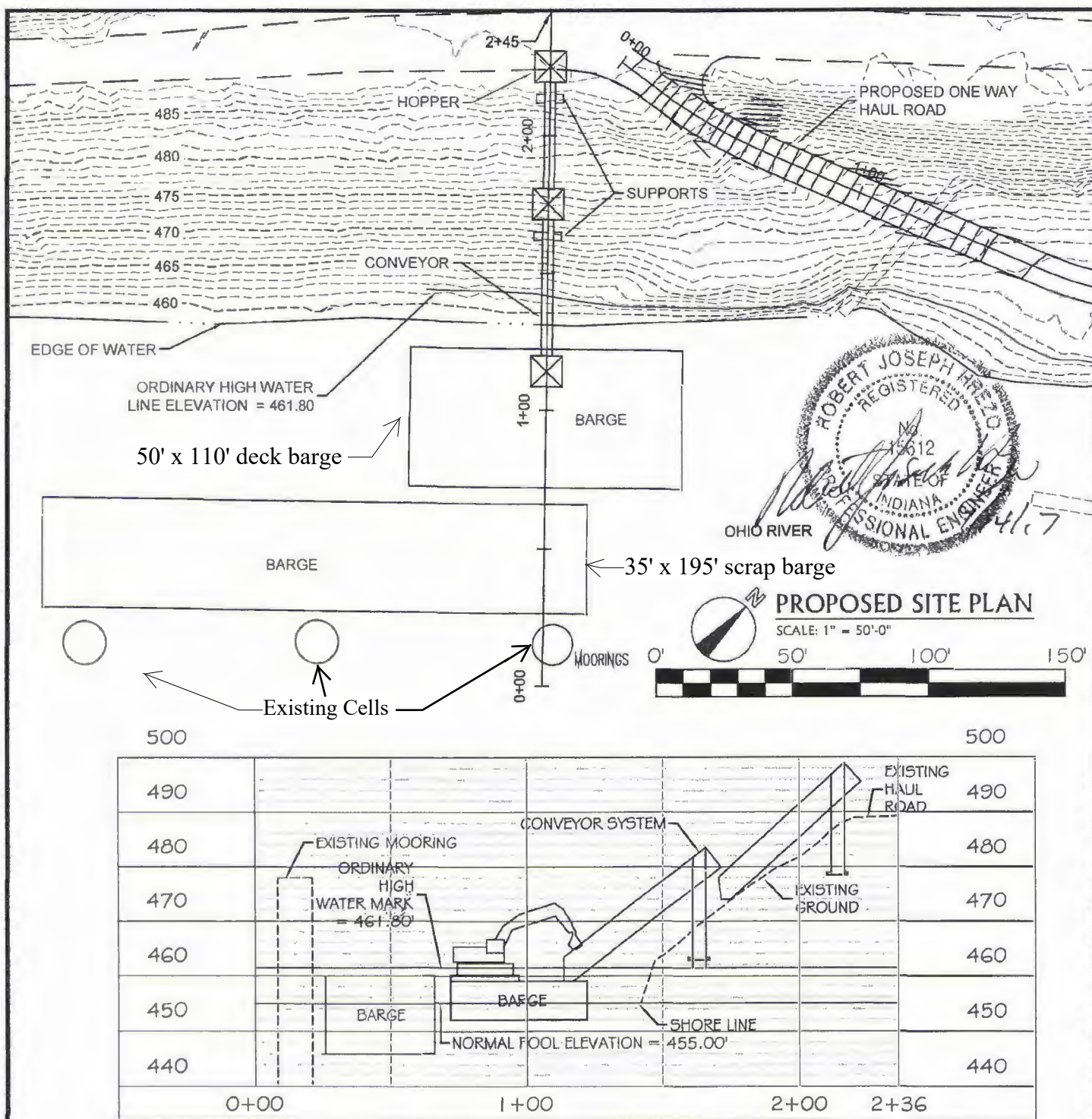


TANNERS CREEK DEVELOPMENT PROJECT

TANNERS CREEK & THE OHIO RIVER
ENVIROANALYTICS GROUP, LLC.

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Figure 2 - LRL-2017-632-mdh
Proposed Barge Loading/Unloading Facility
at the Former Tanners Creek Power Plant
Ohio River Mile 494 & 494.1 (RB)
Lawrenceburg, Dearborn County, Indiana



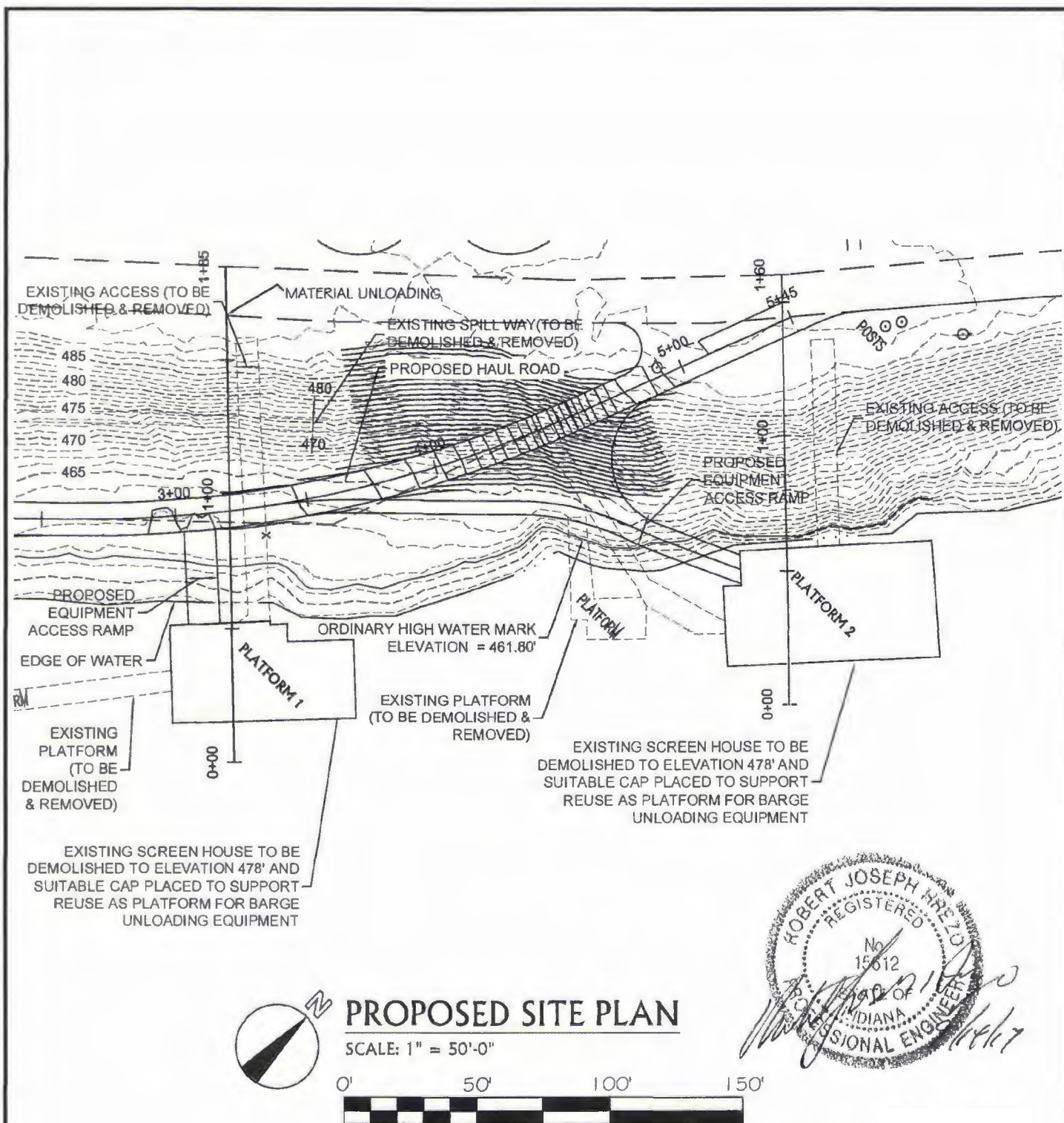
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Figure 3 - LRL-2017-632-mdh
Proposed Barge Loading/Unloading Facility
at the Former Tanners Creek Power Plant
Ohio River Mile 494 & 494.1 (RB)
Lawrenceburg, Dearborn County, Indiana



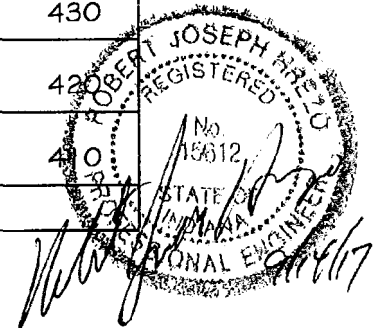
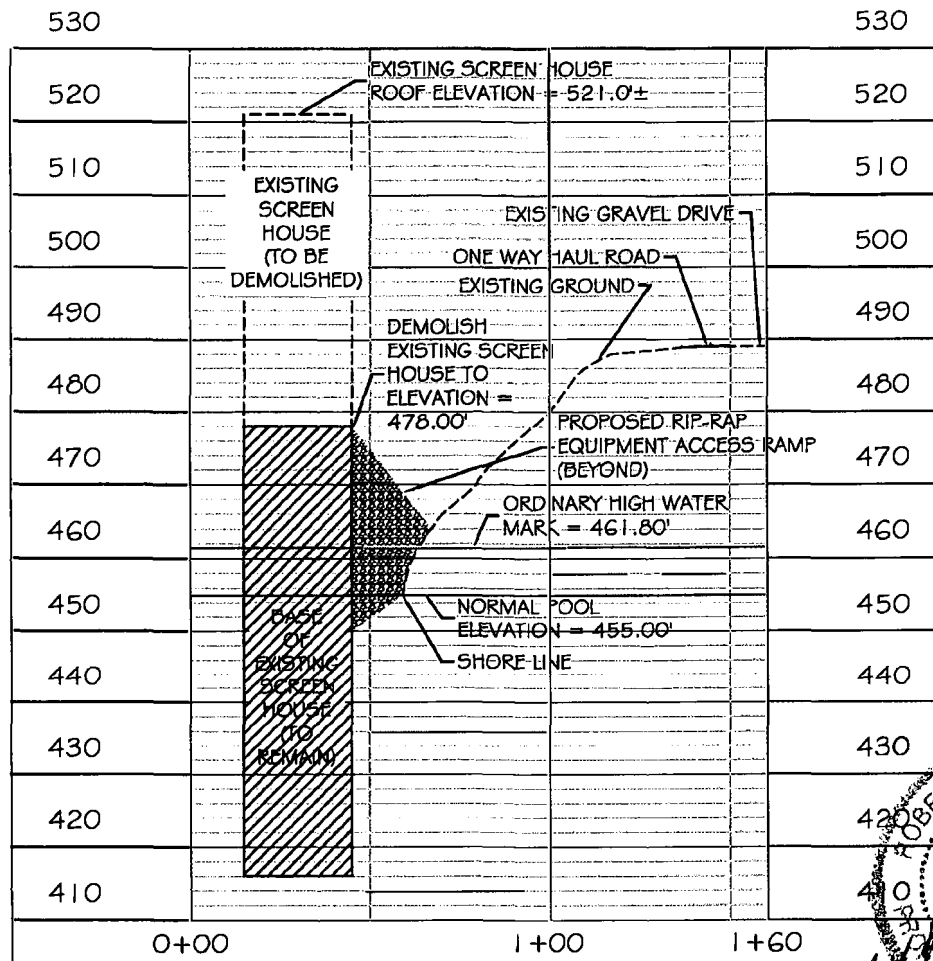
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**Figure 4- LRL-2017-632-mdh
Proposed Barge Loading/Unloading Facility
at the Former Tanners Creek Power Plant
Ohio River Mile 494 & 494.1 (RB)
Lawrenceburg, Dearborn County, Indiana**



EXISTING GROUND SECTION THRU PLATFORM 1

SCALE: HORT. 1" = 50'-0" VERT. 1" = 25'

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Figure 5 - LRL-2017-632-mdh
Proposed Barge Loading/Unloading Facility
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Ohio River Mile 494 & 494.1 (RB)
Lawrenceburg, Dearborn County, Indiana

Figure 6 - LRL-2017-632-mdh

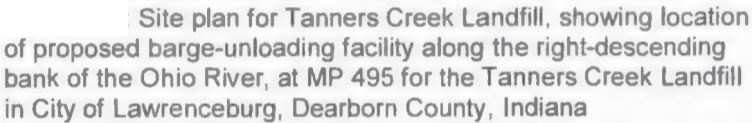
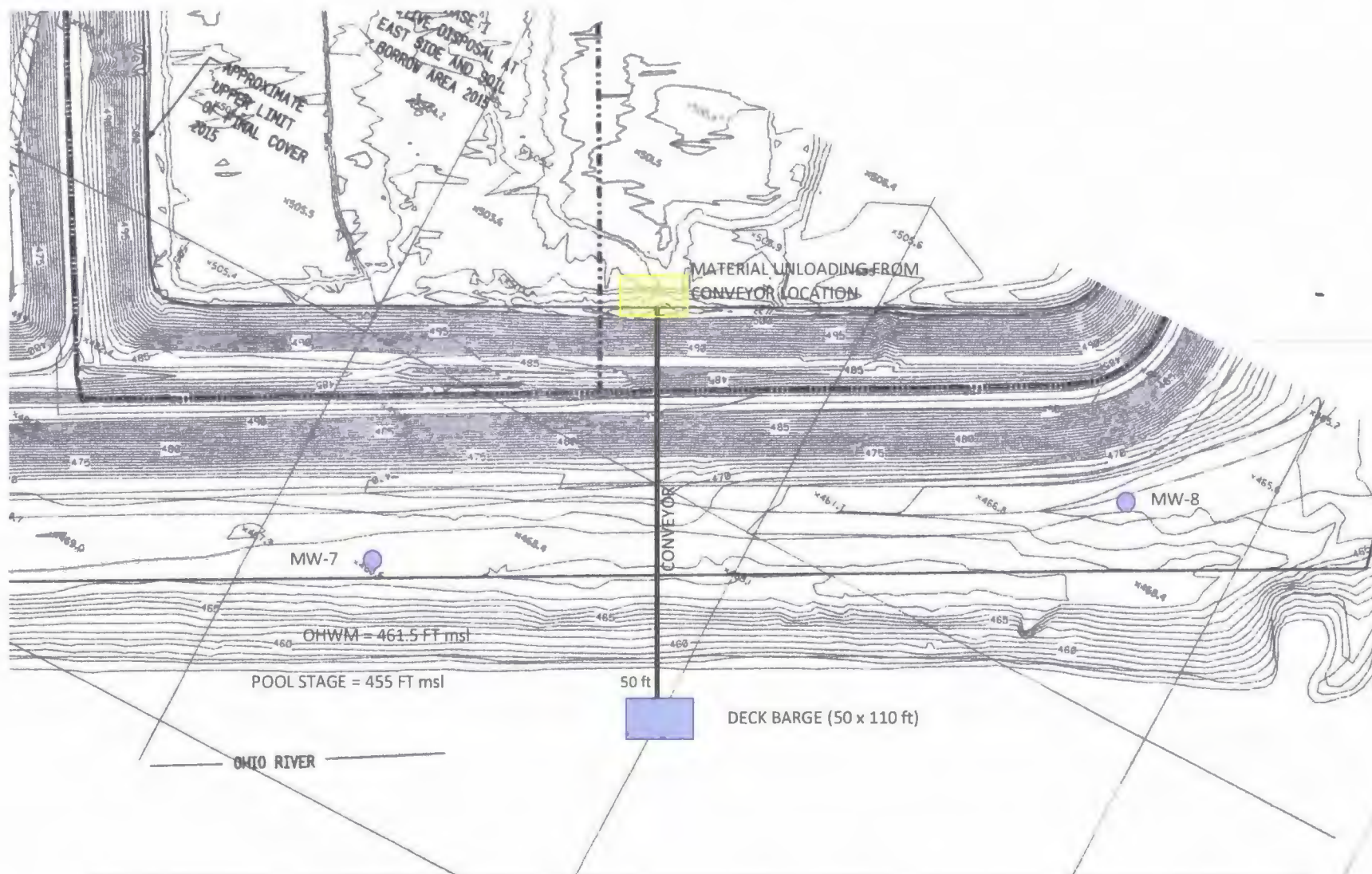


Figure 7 - LRL-2017-632-mnh
Proposed Barge Loading/Unloading Facility at the Former Tanners Creek Power Plant
Ohio River Mile 495 (RB) Lawrenceburg, Dearborn County, Indiana



Enlarged site plan for Tanners Creek Landfill, showing location of proposed barge-unloading facility along the right-descending bank of the Ohio River, at MP 495 for the Tanners Creek Landfill in City of Lawrenceburg, Dearborn County, Indiana

Figure 8 - LRL-2017-632-mdh
Proposed Barge Loading/Unloading Facility at the Former Tanners Creek Power Plant
Ohio River Mile 495 (RB) Lawrenceburg, Dearborn County, Indiana

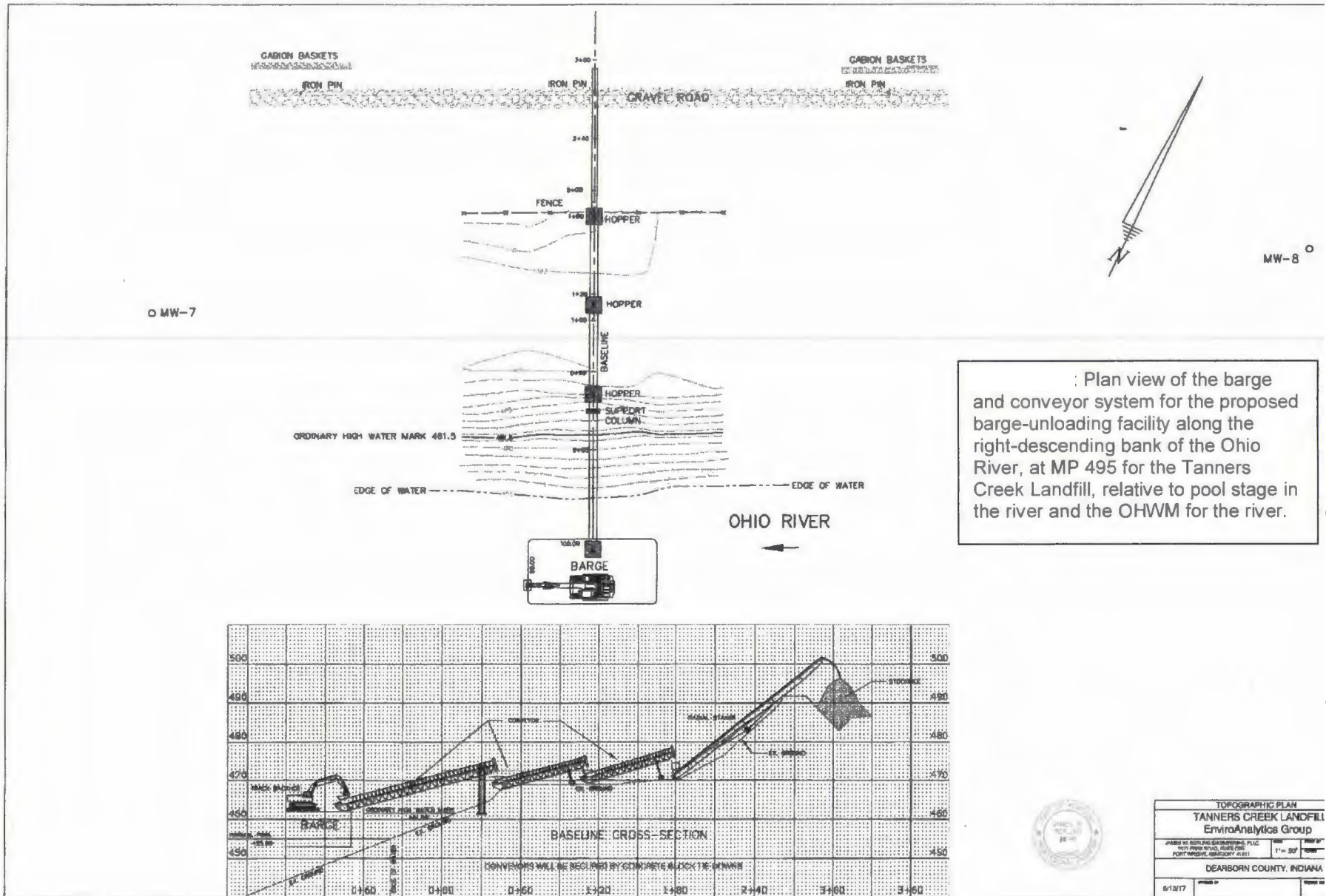
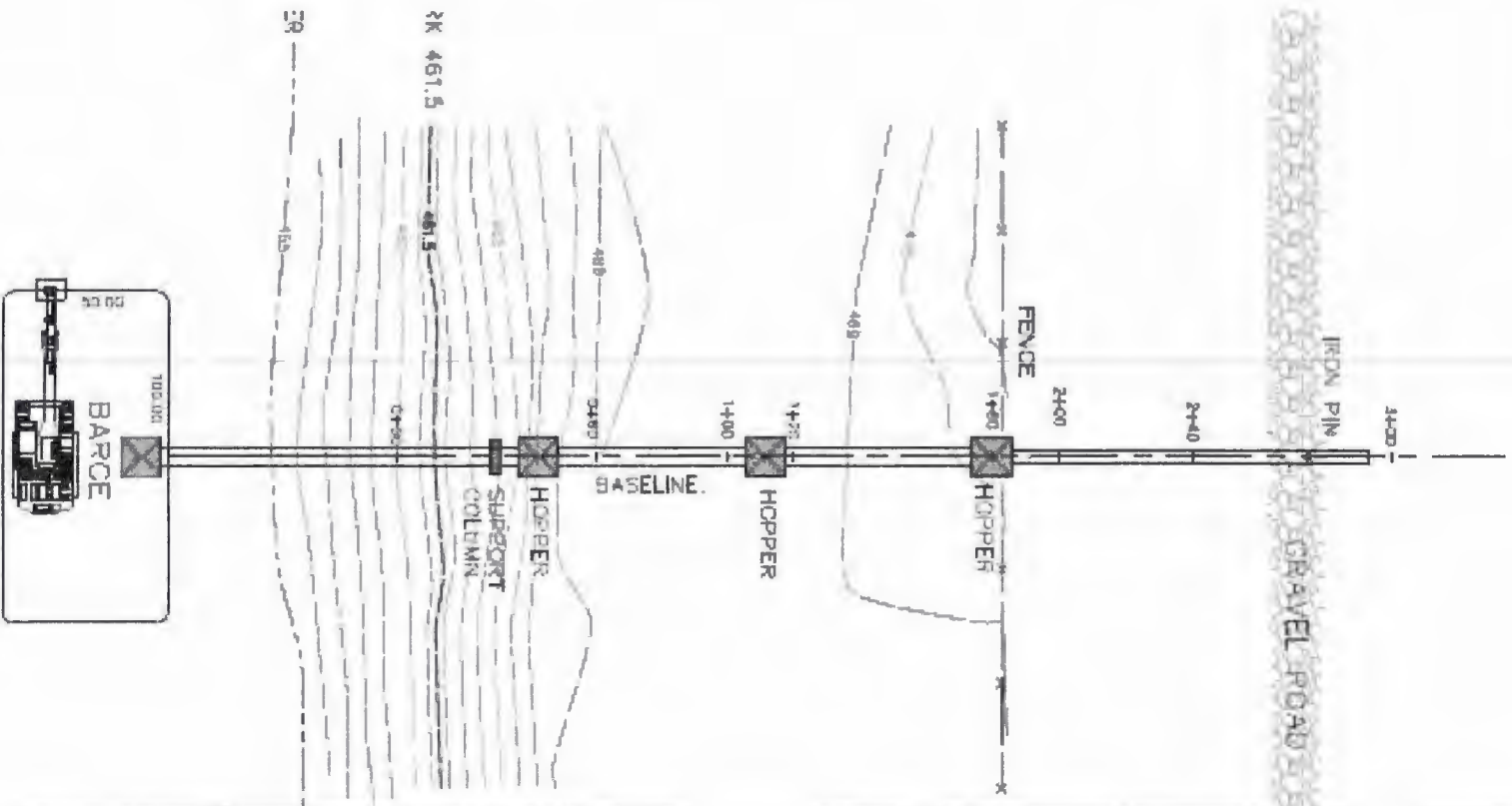
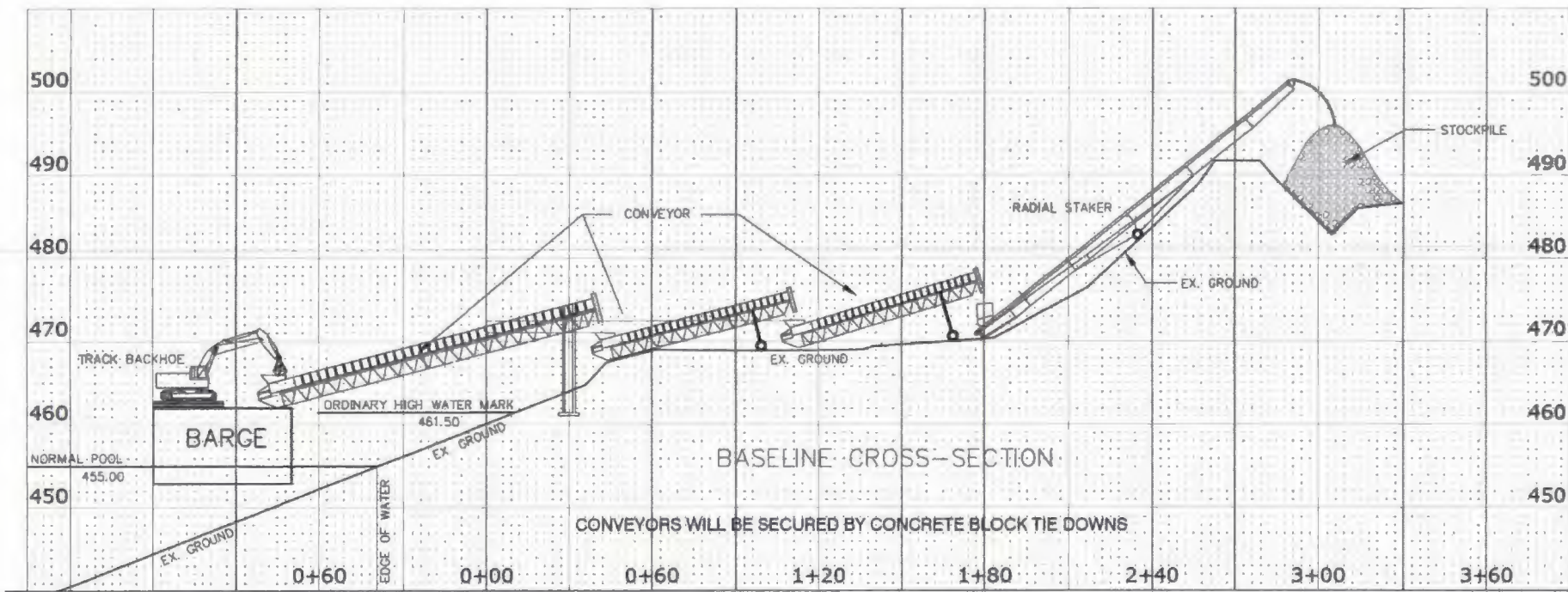


Figure 9 - LRL-2017-632-mdh
Proposed Barge Loading/Unloading Facility at the Former Tanners Creek Power Plant
Ohio River Mile 495 (RB) Lawrenceburg, Dearborn County, Indiana



Enlargement of the plan-view of the barge and conveyor system for the proposed barge-unloading facility along the right-descending bank of the Ohio River, at MP 495 for the Tanners Creek Landfill, relative to pool stage in the river and the OHWM for the river.

Figure 10 - LRL-2017-632-mdh
Proposed Barge Loading/Unloading Facility at the Former Tanners Creek Power Plant
Ohio River Mile 495 (RB) Lawrenceburg, Dearborn County, Indiana



Enlargement of the cross-sectional view of the barge and conveyor system for the proposed barge-unloading facility along the right-descending bank of the Ohio River, at MP 495 for the Tanners Creek Landfill, relative to pool stage in the river and the OHWM for the river.